**ARGENTINA**

**DEFENSORÍA DEL PUEBLO DE LA NACIÓN**

**A NATIONAL HUMAN RIGHTS INSTITUTION**

**“Human Rights and Climate Change”**

**Questionnaire in relation to Human Rights Council resolution 50/9**

**on human rights and climate change**

**1. Please describe through concrete examples and stories how climate change is affecting the full realization of the right to adequate food in your country.**

According to our in-depth study, climate change has a direct impact on the full realization of human rights, including the right to food, which primarily affects urban/rural populations, being all individuals in vulnerable situations the hardest-hit affected. Specifically, extreme climate events have direct and indirect impacts on the right to adequate food: they limit the availability of food (as a result of the loss of flora and fauna and water restrictions); the access to food supplies (due to geographic reasons: floods; and/or financial ones: lower supply/higher prices), as well as the access to livelihood resources and assets, all required for the full enjoyment of the right to food.

The lower water level of Paraná River should serve on the matter for example. Its waters began to recede in March 2020 and showed signs of reversal just during Argentine spring 2022, an extraordinary event for both its intensity and duration. This situation prompted national authorities to declare an ‘State of Water Emergency’ (by Decree 482/21, repeatedly extended) in part of the provinces of Formosa, Chaco, Corrientes, Santa Fe, Entre Ríos, Misiones and Buenos Aires.1

The Paraná Basin is a system which occupies a vast territory and exhibits certain degrees of complexity. It is home to some dams, wetlands, grasslands, lakes and delta, and many economic and productive activities associated with the basin have a direct and/or indirect impact on the right to food.

The main productive activities, among others, that have been openly affected and exerted a huge impact on the right to food include: small-scale livestock farming, a common practice in most rural areas (due to the shortage of water and fodder for animals); small-scale commercial and traditional fishing (due to the mortality of fish populations); small-scale irrigation in support of rice production (due to the limited availability, severe salinity and pollution of water); and small-scale beekeeping (due to changes in the flowering process). Besides, the data showed strong difficulties related to the access and treatment for drinking water (in the most densely populated area of the country); the soil erosion and loss of vegetation, and the spread of grass fires due to restricted water supplies for fire- \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1Our Office is currently monitoring the Decree’s compliance within the context of inquiry No. 13099/21- DPN-EX-2021-00012209-DPN-RNA-DPN

fighting. All of these factors directly erode the right to food as they harm the lives of the people residing in remote food-deficit areas; and indirectly, their sources of income. True, since State assistance has been requested in many cases to help them to survive. Finally, the lower water level has also caused serious problems in the carriage of grain along the river, influencing food commodity prices and the prices of all goods produced with them as inputs, thus indirectly spoiling the full enjoyment of the right to food.

Please note that similar climatic situations have been reported in other areas of the country.

For example, the 2022 Corrientes wildfires: a series of fierce fires which were burning throughout this province from the beginning of the year. The *National Park Administration* analysed the case in a report sent to our Office. As acknowledged therein, the fires advanced in complex climatic and hydrological conditions, marked by extraordinary droughts and above-average surface temperatures, with very low and atypical humidity levels during the months of January and February. This has provided a context of global warming whose intensity, duration and impact were magnified by climate change.2 In another report jointly produced by the *National Institute of Agricultural Technology* (INTA, in its Spanish acronym) and provincial authorities - also sent to our Office - it is informed that the predisposing factors for the occurrence and spread of rural fires are mostly related to adverse weather conditions: poor rainfall, extremely low RH (with values close to 10%), high temperatures (above 45 degrees in certain cases) and winds that exceed 60 km/hour. The devastating fires affected 12% of the provincial land and the material damage amounts to AR$ 50,323,558,1743 as the report details.

On the other hand, the ecosystem degradation as a result of the global warming, among other aspects, has negative effects on the rights of indigenous peoples, including their right to an adequate and culturally appropriate food. Indigenous (and also rural) communities are at times cut off and isolated in remote areas because of heavy rainfall and/or flooding which makes it difficult - and even impossible - for them to sustain their livelihoods. Evidence shows that the child mortality rates peak during the summer months, a period of steady rain and rising temperatures, due to diarrhoeal disease and delayed medical care.

**2. Please share a summary of any relevant data that captures how climate change adversely affects the full realization of the right to food, taking into account discrimination, including multiple and intersecting forms of discrimination.**

As explained above, the adverse effects of climate change threaten people's livelihoods and sources of income, undermining their right to food.

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Likewise, rural populations, including indigenous communities, which tend to be geographically isolated during extreme weather events, have less access to reach food supply sources and are often forced to be driven out of their territories.

In urban slums, where the vast majority of the population is still living below the poverty line, these adverse effects may cause: waterlogged and flooded roads; power cuts; heat waves; difficulties in the urban solid-waste management; sewer overflows or polluted watercourses; contamination of water for human consumption; and high density of disease-carrying animals (mosquitoes, rats). This restricts access to adequate food and to income-generating opportunities because it is impossible for people to reach them. And the situation becomes even worse when it overlaps with certain factors other than poverty that might cause discrimination, such as race; native country (migrants); gender (women or dissidents); age (boys/girls) and/or disability.

**3. Please describe any specific measure, including public policies, legislation, practices or strategies that your Government has undertaken, in compliance with applicable international human rights law, to promote an approach to climate change mitigation and adaptation, as well as loss and damage, that ensures the full and effective enjoyment of the right to food. Please also note and identify any relevant mechanisms for ensuring accountability for these commitments including their means of implementation.**

Argentina has passed Law No. 27,520 on *Minimum Budgets for Adaptation and Mitigation of Global Climate Change* (hereinafter, ’The Climate Change Law’) in order to ensure the adoption of adequate measures, tools and strategies to achieve climate change mitigation and adaptation across the entire country. The *National Climate Change Cabinet* (GNCC, in its Spanish acronym) has also been created by this law. By connecting national and provincial bodies with the civil society, the GNCC promotes building consensus for formulating public policies. It operates with a strategic vision aimed at reducing GHG emissions and producing collaborative responses that can help the most vulnerable groups adapt to climate change. As a result of these coordinated efforts, the *National Action Plan for Adaptation and Mitigation to Climate Change* (hereinafter, PNA&MCC, in its Spanish acronym) has been recently unveiled, seeking to organize systematically the national climate policy. Particularly, it details the set of steps to be followed in order to comply with the letter of The Climate Change Law and the international commitments undertaken by Argentina in the Second NDC, including the latest updated version.

The PNA&MCC is structured around four crosscutting approaches, four instrumental lines and six strategic lines. The sustainable management of food systems and forests is addressed by one of such strategic lines. In Argentina, safeguarding food sovereignty and security is recognized as a priority, as well as reducing vulnerabilities to climate change of farming, fish, forest and agro-industrial production systems. Consequently, guidelines for action have been developed containing specific measures to be implemented by 2030 related to

right to food4. In this regard, it should be noted that several of the measures, including in this strategic line, are being monitored by our Office. The institution is now conducting some inquiries related to the ecosystem and biodiversity conservation, sustainable production processes, and family farming and we will also verify the strict compliance of the PNAM&CC.

**4. Please describe any mechanisms and tools that are in place to measure and monitor the impacts of climate change on the full realization of the right to food.**

In the context of the PNA&MCC, a mechanism for jointly monitoring, adaptation to and mitigation of climate change is now being designed. As regards the adaptation component, the indicators for measuring adaptation have not yet been developed: it is still a work-in-progress.

**5. Please identify and share examples of promising practices and challenges in the promotion, protection, and fulfilment of the full realization of the right to food in the context of the adverse effects of climate change.**

In our view, the implementation of an *Environmental Land-Use Planning* (OAT, in its Spanish acronym) is an important tool to address the negative impacts of climate change on the full realization of the right to food, among other human rights. It allows to determine the type of activities and land uses that can be carried out in each region, and the conditions under which these projects should be made. The OAT tool requires the involvement of all actors and the creation of public consultation mechanisms and participatory processes capable of ensuring access to a complete, sufficient, accessible and available information in appropriate formats for non-specialist audiences.

An OAT, which has been conceived from the perspective of climate change, would make it possible to foresee future scenarios. It could adapt existing activities to new realities and to the changes needed to help limit the pollutant emissions of all projects. To that end, it is essential that land-use be determined in order to encourage the conservation of wetlands, native forests and other ecosystems for reducing the effects of excessive rains and droughts and other climatic events.

In this context, public policies that go beyond what is necessary to mitigate climate change might be developed, mainly focused on adapting people to the new environmental challenges. Certainly, the current conditions call for actions which will include, *inter alia*, land-use changes; transition to new forms of production, consumption and sustainable development; as well as conservation and restoration of ecosystems. However, these changes will need to be done in a phased manner in order to protect other closely inter-related rights: the right to development and the right to live with dignity.

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Thus, adequate regulations complementing OAT should be issued to ensure that all projects and public service or productive undertakings be subject to proper *Environmental Impact Assessment* processes (EIAs), but this matter remains un-regulated till date.5 EIAs should be focused on the type of ecosystem where projects are located, enabling authorities to assess the set of impacts which they might produce on the land. And they should also serve to integrate the damage caused by such works with that inflicted by other current of future activities. While, in parallel, *Strategic Environmental Assessments*6 intended to interact with the OAT tool by giving information and guidelines for the decision-making process are yet to be carried out.

The structures that impose restrictions on the minimization of some of the main carbon contributors could only be modified by using the OAT tool at a national level.6

Our Office believes that the involvement of people and communities whose rights might be impaired by a given public policy is essential for sustainable decision-making. Most complaints brought before our institution repeatedly prove the need to strengthen the EIAs implementation focused on human and social aspects.

**6. Please include examples and promising practices and challenges that highlight international and multilateral cooperation and approaches that promote the full realization of the right to food.**

**7. Please provide any additional information you believe would be useful to support climate action that promotes the full realization of the right to food.**

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5 The *Environmental Impact Assessment* has been created as a national environmental policy instrument by the *Law on National Environmental Policy* (Law 25,675, the so-called ‘General Environmental Law*’* - LGA, in its Spanish acronym -) but in fact, each provincial jurisdiction is in charge of implementing its provisions. Furthermore, there are no strict regulations concerning the procedural stages to be followed, the conditions required for the public participatory process and the relevant actors who will be responsible for each component. In this context, this Ombudsman's Office by Resolution DPN No. 45/22 has identified the need that the EIA review process should be completed prior to adopting a decision. It will include call for tenders to run the project, involvement of civil society - which demands that people be duly informed and their complaints be well-founded responded in order to facilitate their participation -, and in the case upon review, that an *EIA for Wetlands* be carried out.

6 Adopted as a *National Environmental Management Instrument* by Resolution 434/2019 passed by the National Secretariat of Environment and Sustainable Development, available at: https://www.boletinoficial.gob.ar/detalleAviso/primera/221162/20191113